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November 8, 2010

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

228157

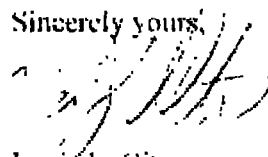
RE: Docket No. 42123, *M & G Polymers USA, LLC v. CSX Transportation, Inc. and  
South Carolina Central Railroad Company*

Dear Ms. Brown:

Enclosed for e-filing is the Answer of the South Carolina Central Railroad Company to the Second Amended Complaint filed by M & G.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer  
Attorney for South Carolina Central  
Railroad Company

Enclosure

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. 42123  
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M & G POLYMERS USA, LLC  
v.  
CSX TRANSPORTATION, INC. AND SOUTH CAROLINA CENTRAL RAILROAD  
COMPANY  
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ANSWER OF SOUTH CAROLINA CENTRAL RAILROAD COMPANY TO SECOND  
AMENDED COMPLAINT OF M & G POLYMERS USA, LLC  
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Attorneys for: SOUTH CAROLINA CENTRAL  
RAILROAD COMPANY

Dated November 8, 2010

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. 42123  
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M & G POLYMERS USA, LLC  
v.  
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ANSWER OF SOUTH CAROLINA CENTRAL RAILROAD COMPANY TO SECOND  
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Pursuant to 49 C.F.R. § 1111.4, South Carolina Central Railroad Company ("SCCR") answers the Second Amended Complaint (the "Second Amended Complaint") filed on October 18, 2010 by M & G Polymers USA, LLC ("M&G").

SCCR denies all allegations made by M&G that SCCR has violated 49 U.S.C. §§ 10701, 10704, and 10707. In the Second Amended Complaint, M&G has added SCCR as a defendant only with respect to one route, identified in Exhibit B to the Second Amended Complaint as item 12, from Apple Grove, WV to Darlington, SC (the "SCCR Route"). SCCR will respond to the allegations made with respect to the SCCR Route in the Second Amended Complaint. With respect to all of the other routes identified in the Second Amended Complaint, SCCR denies all allegations raised.

In response to the unnumbered paragraph beginning on page 1 of the Second Amended Complaint, SCCR denies that M&G has paid or will pay common carrier rates in excess of reasonable maximum levels for SCCR's transportation of the movements over the SCCR Route

as set forth in the Second Amended Complaint, denies that the Board has jurisdiction over the rates charged for the movement over the SCCR Route, and denies that M&G is entitled to the relief it seeks in this proceeding. The remainder of the unnumbered paragraph consists of characterization of M&G's Second Amended Complaint, to which no response is required. To the extent that any response may be required, SCCR denies the remaining allegations of that paragraph.

**To the extent that SCCR does not specifically admit an allegation made in the Second Amended Complaint, that allegation is denied.**

With respect to the numbered paragraphs of the Second Amended Complaint, SCCR responds as follows:

1. SCCR lacks sufficient information to admit or deny the allegations of Paragraph 1. To the extent as response is required, SCCR denies the allegations of Paragraph 1.

2. SCCR lacks sufficient information to admit or deny the allegations of Paragraph 2. To the extent as response is required, SCCR denies the allegations of Paragraph 2.

3. SCCR admits the allegations of Paragraph 3.

4. The first sentence of Paragraph 4 consists of characterization of M&G's Second Amended Complaint, to which no response is required. To the extent that any response may be required, SCCR denies the allegations in the first sentence of Paragraph 4. SCCR is without sufficient information to admit or deny the allegations made by M&G in the second sentence of Paragraph 4

5. SCCR is without sufficient information to admit or deny the allegations made by M&G in Paragraph 5.

6. SCCR is without sufficient information to admit or deny the allegations made by M&G in the first sentence of Paragraph 6 with respect to lines 1-11 and 13-50 in the Second Amended Exhibit B. SCCR admits the allegations made by M&G in the first sentence of Paragraph 6 with respect to line 12 in the Second Amended Exhibit B.

SCCR is without sufficient information to admit or deny the allegations made by M&G in the second sentence of Paragraph 6.

7. SCCR is without sufficient information to admit or deny the allegations made by M&G in Paragraph 7.

8. SCCR is without sufficient information to admit or deny the allegations made by M&G in Paragraph 8.

9. SCCR is without sufficient information to admit or deny the allegations made by M&G in Paragraph 9.

10. SCCR is without sufficient information to admit or deny the allegations made by M&G in Paragraph 10.

11. SCCR is without sufficient information to admit or deny the allegations made by M&G in Paragraph 11.

12. Paragraph 12 states a legal conclusion to which no response is required. SCCR denies that it possesses market dominance over the movement identified in Line 12 of the Second Amended Exhibit B. SCCR is without sufficient information to admit or deny the allegations made by M&G with respect to all other traffic.

13. Paragraph 13 states a legal conclusion to which no response is required. To the extent a response is required, SCCR denies the allegations made in Paragraph 13.

14. Paragraph 14 states a legal conclusion to which no response is required. To the extent a response is required, SCCR denies the allegations made in Paragraph 14.

15. Paragraph 15 states a legal conclusion to which no response is required. To the extent a response is required, SCCR denies the allegations made in Paragraph 15.

16. Paragraph 16 states a legal conclusion to which no response is required. To the extent a response is required, SCCR denies the allegations made in Paragraph 16.

17. Paragraph 17 states a legal conclusion to which no response is required. To the extent a response is required, SCCR denies the allegations made in Paragraph 17.

18. Paragraph 18 states a legal conclusion to which no response is required. To the extent a response is required, SCCR denies the allegations made in Paragraph 18.

The unnumbered final paragraph of the Second Amended Complaint (on page 6) states legal conclusions and requests for relief to which no response is required. To the extent a response may be deemed necessary, SCCR denies the allegations, conclusions, and requests for relief in that final paragraph, including clauses numbered 1 through 6. SCCR denies that M&G is entitled to any of the relief that it seeks in this proceeding or to any other relief.

#### **SCCR'S AFFIRMATIVE DEFENSES**

1. SCCR is not market dominant over the traffic it moves as identified in line 12 of Second Amended Exhibit B.

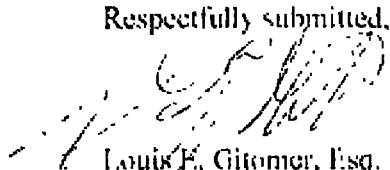
2. The traffic identified in line 12 of Second Amended Exhibit B is subject to intermodal transportation, and the requirements of the receiver can be met through product shipped from a different geographic location.

### PRAYER

For the foregoing reasons, SCCR requests the Board to: (1) conclude that SCCR has not violated any provision of 49 U.S.C. §§ 10701, 10704, and 10707; (2) dismiss the complaint; (3) discontinue this proceeding; and (4) award SCCR such other relief to which it is entitled.

Respectfully submitted,

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(904) 538-6329

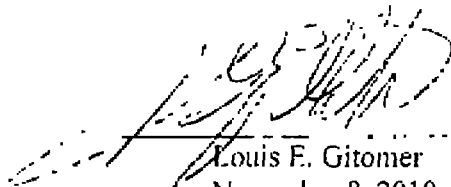
  
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Attorneys for: SOUTH CAROLINA CENTRAL  
RAILROAD COMPANY

Dated: November 8, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused the foregoing document to be served upon counsel for  
M & G Polymers USA, LLC and CSX Transportation, Inc. electronically.

  
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Louis E. Gitomer  
November 8, 2010